

### **REMARKS**

This responds to the Office Action dated March 10, 2006. Claims 1 and 21 are amended, and claim 29 is added; as a result, claims 1-12 and 21-29 are now pending in this application.

Support for the amendments are found generally within the specification. An example of support for the amendment to claim 1 can be found on page 6 lines 2-12, and an example of support for the amendment to claim 21 can be found on page 9 lines 16-22.

#### **§103 Rejection of the Claims**

Claims 1-4, 6, 10-12, 21-22, and 25-28 were rejected under 35 USC § 103(a) as being unpatentable over Rechberger et al. (U.S. 2004/0240803, "Rechberger"). Applicant respectfully traverses the rejection.

The Office Action fails to establish a *prima facie* case of anticipation because Rechberger does not teach or suggest all of the elements recited or incorporated into the claims.

Additionally, Rechberger teaches away from the claim elements.

*Regarding claims 1-4, 6, 10-12, 25-28:*

Applicant cannot find in Rechberger any teaching or suggestion of, among other things, an insulating base having an upper surface, wherein the insulating base is adapted to dissipate heat away from the optoelectronic assembly,

as presently recited in claim 1 and incorporated into claims 2-4, 6, 10-12, 21-22, and 25-28.

Additionally, the Office Action states that the factual inquiries enunciated in Graham include ascertaining the differences between the prior art and the claims at issue.<sup>1</sup> Ascertaining the differences between the prior art and the claims at issue includes considering a reference in its entirety, including disclosures that teach away from the claimed invention.<sup>2</sup> Rechberger refers to a process for packaging high speed electro-optic devices that does not require hermetic sealing.<sup>3</sup> Therefore, Rechberger teaches away from the hermetic seal recited in claim 1.

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<sup>1</sup> Office Action, pg. 3.

<sup>2</sup> M.P.E.P. §2141.02.

<sup>3</sup> Rechberger, ¶ 0031.

*Regarding claims 21-22:*

Applicant cannot find in Rechberger any teaching or suggestion of, among other things, a plurality of electrical leads coupled to vias on a lower surface of the insulating base, the vias running through the insulating base into an interior of the optoelectronic package, wherein the electrical leads are electrically coupled to the optoelectronic device,

as presently recited in claim 21 and incorporated into claim 22. Additionally, Rechberger refers to elimination of the TO header pins,<sup>4</sup> and therefore teaches away from the claimed subject matter. Further, Rechberger teaches away from a metal cap hermetically sealed to the upper surface of the insulating base recited in claim 21.

*Allowable Subject Matter*

Claims 5, 7-9, and 23-24 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 5, 7-9, and 23-24 ultimately depend on base claim 1. Applicant acknowledges the allowable subject matter. But as set forth above, Applicant believes that base claim 1 is allowable in its present form.

*New Claim*

Claim 29 is new. An example of support for the claim can be found on page 7 lines 22-29 of the specification. Applicant respectfully requests entry of the new claim for examination.

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<sup>4</sup> Rechberger, ¶ 0036.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-371-2172) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date June 12, 2006

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 12th day of June, 2006.

Amy Moriarty  
Name

[Signature]  
Signature

### **IN THE DRAWINGS**

Corrected drawings are supplied herewith, each labeled as "REPLACEMENT SHEET". FIG. 3 was amended to include metallization layer 122. Support for the amendment is found generally within the specification. See e.g., page 8 lines 9-21 and page 9 line 29 through page 10 line 2.